

COUNTY OF



ALLEGHENY

RICH FITZGERALD

COUNTY EXECUTIVE

August 18, 2016

Mr. David Tessitor, Chair
OpenPittsburgh.Org
304 Ross Street, Suite 702
Pittsburgh PA 15219

Re: Referendum Question –
City of Pittsburgh Home Rule Charter Amendment

Dear Mr. Tessitor:

Please be advised that the Allegheny County Department of Administrative Services, Elections Division, after consultation with the Allegheny County Law Department, has accepted the petitions filed by your organization, OpenPittsburgh.Org., and will place the following referendum question to amend the City of Pittsburgh's Home Rule Charter on the November 8, 2016 ballot:

QUESTION

Shall Pittsburgh's Charter be amended to delete Article 6: Community Advisory Boards (voided Dec. 31, 2000) and substitute **Article 6: Open Government**, providing greater public disclosure; requiring public information, notices and meetings be Internet accessible; setting applicable standards; creating a selectable notification process; and establishing an open membership Citizen Advisory Panel to which pending legislative and administrative actions must be explained and through which citizens can develop and provide information and comment before final approval?

The Division reluctantly has decided to take this action because it believes that the orderly processes of preparing for the November 8, 2016 General Election, which includes the beginning of the transmission of ballots and balloting materials to all covered voters under the Uniformed Military and Overseas Voters Act located in extremely remote or isolated areas by

JERRY TYSKIEWICZ, DIRECTOR

DEPARTMENT OF ADMINISTRATIVE SERVICES – DIVISION OF ELECTIONS
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August 30, 2016, should not be disrupted at this late date by potential concerns over the legality your organization's petitions.

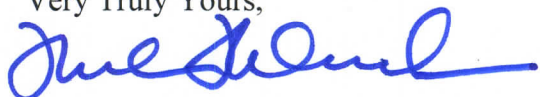
As you are aware, the United States District Court for the Western District of Pennsylvania issued an order on August 9, 2016 in the case of *OpenPittsburgh.Org. v. Wolosik, et al.*, 2:16-cv-1075. In that order, the Court directed the named County Defendants, among other things, to accept referendum petitions circulated by an out-of-state circulator. Each of these circulators were to record on the certification the following information: (1) that the person was the circulator of the petition; (2) the circulator's full legal name; (3) the circulator's legal residence; (4) the circulator's age; (5) an affirmation that the circulator was a United States citizen; and (6) that the circulator shall file a written statement whereby the circulator unconditionally and irrevocably submitted to the personal jurisdiction and venue of the Commonwealth of Pennsylvania as to any administrative or judicial proceeding, hearing, or other processes relating to such petitions or activities as a circulator. Additionally, as part of the August 9, 2016 order, the Court ordered the County Defendants to accept until 5:00 PM, EDT, on August 15, 2016, any referendum petitions from OpenPittsburgh.Org. signed by petitioners during the period of time between 5:00 PM, EDT, on August 9, 2016 to 4:00 PM, EDT, on August 15, 2016.

Of the 8,454 signatures filed by your organization on August 15, 2016, approximately 1,481 signatures were dated prior to August 9, 2016. This is not in compliance with the U.S. District Court's August 9, 2016 order. Additionally, all of the "Statements of Circulator" attached to the petitions filed with the Elections Division that were circulated by out-of-state circulators fail to state either the age of the circulator or that the circulator is a citizen of the United States. This also is not in compliance with the U.S. District Court's August 9, 2016 order.

For these reasons and for other reasons that may be asserted, you should be aware that the determination to place your proposed question on the November 8, 2016 General Election ballot may be subject to legal challenge by other interested parties by the filing of timely objections in the Court of Common Pleas of Allegheny County in accordance with the provisions of the Pennsylvania Election Code.

As required by Section 2943 (b) of the Home Rule Charter and Optional Plans Law, a copy of the proposed question is being provided to the City of Pittsburgh and to the Pennsylvania Department of Community and Economic Development. Also, the petitions submitted by your organization to this Division will be made available for inspection to any interested party during normal business hours.

Very Truly Yours,



Mark Wolosik, Division Manager
Allegheny County Department of Administrative Services
Elections Division

cc: Honorable Mark Hornak (by docket e-filing)
All Counsel of Record (by docket e-filing)
George M. Janocsko, Assistant County Solicitor
Allan J. Opsitnick, Assistant County Solicitor
Matthew McHale, Assistant City Solicitor